

U.S.S.N. 10/070,168

-11-

GKNG 1096 PCT

REMARKS

Claims 9-28 are pending in the application. Claims 9-11, 15-17, 19, 21, 23, 25, and 27 stand rejected. Claims 12-14, 18, 20, 22, 24, 26, and 28 are objected to, but otherwise contain allowable subject matter.

With regard to the specification objections set forth in paragraph 2 of the Office Action, the abstract of the disclosure has been amended to conform with MPEP §608.01(b). Several portions of the specification have also been amended to correct typographical errors. Applicant also requests that an amendment to the title be entered to identify the application as a "counter track ball joint". Applicant believes that the title given to the international application by WIPO is misleading and that the title as amended more appropriately describes the application.

Claims 15-17 and 21 stand rejected under 35 U.S.C. §103 as being obvious over Krude, U.S. Patent No. 5,167,584 in view of Jacob, U.S. Patent No. 6,270,419. The Jacob '419 reference constitutes prior art only under 35 U.S.C. §102(e). As correctly noted in the Office Action, the applied reference has a common assignee with the instant application. The Applicant states that the present application and the Jacob '419 patent were, at the time the present invention was made, subject to an obligation of assignment to the same entity and, thus, commonly owned by GKN Löbro GmbH. Accordingly, as the instant application was filed after November 29, 1999, Applicant's statement that the Jacob '419 reference and the present application are commonly owned, removes the Jacob reference as prior art against the present application. Applicant therefore respectfully requests that the rejection under 35 U.S.C. §103 as to claims 15-17 and 21 be withdrawn. Having overcome the rejection of claims 15-17 and 21, and in view of the allowable subject matter noted in claims 12-14, 18, 20, 22, 24, 26, and 28, the Applicant has amended claims 12-18, 20, 21, 22, 24, 26, and 28 to put them in independent form or otherwise in a condition for allowance. The remaining claims – 9-11, 19, 23, and 27 – are addressed below.

U.S.S.N. 10/070,168

-12-

GKNG 1096 PCT

Claims 9-11 and 19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Krude, U.S. Patent No. 5,167,584. Applicant traverses the rejection under §102 and respectfully submits that claims 9-11 and 19 are novel because the present claims and the Krude reference differ. In particular, Applicant traverses the suggestion in the Office Action that Krude discloses at the ball cage is capable of being elastically ovalisable such that when respective axes of the ball cage and of the inner joint part intersect one another approximately perpendicularly upon contact between a web of the inner joint part and the inner face of the ball cage, an opposed web of the inner joint part is able to pass through an end aperture of the ball cage. Independent claim 9, as amended, requires, in a method of assembling a constant velocity joint, that the ball cage be elastically ovalised and orientated in a certain manner to permit the introduction of the inner joint part into the ball cage. This claimed process step is neither disclosed or suggested in the Krude '584 reference. In all instances, the ball cage in the Krude '584 reference is circular and there is no mention or suggestion of elastically deforming the ball cage during the joint assembly. The Applicant respectfully submits, therefore, that claim 9 and dependent claims 10, 11, and 19 are novel and non-obvious in view of the Krude '584 reference.

The Krude '584 reference also forms the basis for rejecting claims 23 and 27 under 35 U.S.C. §103. For at least the same reasons recited with respect to claim 9, Applicant submits that claims 23 and 27 are novel and non-obvious in view of the cited prior art. The Krude '584 reference, alone or in combination with Jacob '233 (claim 23) or Sone '382 (claim 27) fails to disclose or suggest a method of assembling a constant velocity joint including the step of elastically ovalising the ball cage to permit the introduction of the inner joint part into the ball cage as required by claims 23 and 27. Accordingly, Applicant requests that the rejection of claims 9-11, 19, 23, and 27 be withdrawn.

U.S.S.N. 10/070,168

-13-

GKNG 1096 PCT

The Applicant has carefully considered the Examiner's remarks and has made every effort to put all of the pending claims in a condition for allowance. The rejection of claims 15-17 and 21 have been overcome by removing the Jacob '419 reference as prior art. Claims 12-14, 18, 20, 22, 24, 26, and 28 contain allowable subject matter and have merely been rewritten in independent form. Claim 25 depends from claim 15 and, thus, likewise includes allowable subject matter. Finally, claims 9-11, 19, 23, and 27 have been rewritten as method claims requiring the step of elastically ovalising the ball cage during the introduction of the inner joint part which none of the cited references disclose or suggest. Accordingly, Applicant submits that claims 9-28 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. A Petition for Extension of Time (two months) accompanies this Amendment. The Examiner is hereby authorized to charge any additional claim fees, which may be required by this Amendment, or credit any overpayment, to Deposit Account No. 50-0476 in the name of John A. Artz, P.C. The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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